



Ratification
Number 2010-113

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 13, SECTION 10, TO DEFINE AND PROHIBIT OPEN BURNING.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

WHEREAS, City Council has concerns with potential fire hazards. Specifically that improperly attended open burning could cause a risk to property in the City and endanger lives.

Section 1. Chapters 13, Section 10 of the Code of the City of Charleston is hereby amended by repealing said section in its entirety and substituting in its place and stead the following which shall read:

"Sec. 13-10. Open Burning Prohibited.

(a) "Open Burning" means the intentional burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

(b) A person shall not kindle, maintain, or authorize to be kindled or maintained any open burning unless allowed below.

(c) Open burning is prohibited except as provided as follows:

- (1) Fires set for the cooking of food for human consumption if:
 - (a) contained within a device designed for the purposes of cooking food over open flame,
 - (b) kept from beneath or under a residence (or eaves),
 - (c) kept 3-feet from any combustible material,
 - (d) if the cooking fire is constantly attended until extinguished, and
 - (e) a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
- (2) Fires set for recreational purposes if:

- (a) contained within a device designed for the purpose of containing recreational fires to include: portable fire places, chimeras, grills, woodstoves, etc.,
 - (b) kept 25 feet from any structure or combustible material,
 - (c) if the recreational fire is constantly attended until extinguished, and
 - (d) a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
- (3) Fires set in a pit for the cooking of food for human consumption if:
- (a) the total fuel area is 3 feet or less in diameter and 2 feet or less in height,
 - (b) kept 25 feet from any structure or combustible material, and
 - (c) a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
- (4) Fires set for the purpose of backfiring to contain previously ignited fires if performed by the organization responsible for fighting and containing the fire.
- (5) Fires set for the purpose of heating, construction or maintenance activities that use propane, acetylene, natural gas, gasoline or kerosene in a device intended for such use.
- (6) Fires set for the purpose of instruction and/or training of firefighters.
- (7) Fires set for the removal of hurricane debris or other debris generated by a natural disaster if performed by or authorized by an organization responsible for fighting and containing the fire.
- (d) The fire department, police department, and fire code officials are authorized to order the extinguishment of any fire that violates the provisions of this ordinance or creates a public nuisance as defined in Chapter 21.
- (e) Violation of this section shall be punishable by a fine up to \$500.00."

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this 20th day of July in the Year of Our Lord, 2010, in the 235th Year of Independence of the United States of America.

By:

Joseph P. Riley, Jr.
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Vanessa Turner-Maybank
Clerk of Council